

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

-
-
-

W.P. No.3133 of 1998

-

-

Between

I.Mogili

-

..Petitioner

AND

The District Collector, Karimnagar District and ..Respondents
others

-

-

-

-

-

-

:: JUDGMENT ::

18.4.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.3133 of 1998

This writ petition has been instituted seeking a writ of mandamus declaring the action of 2nd and 3rd respondents in not paying the remuneration of 1,200/- per month as per the orders passed by the first respondent – District Collector, Karimnagar as illegal and hence consequential directions were solicited to continue to pay Rs.1,200/- per month to the writ petitioner as wages.

The writ petitioner has asserted that he was working as a temporary part time worker from 19.9.1990 on a consolidated pay of Rs.150/- per month in the Government Hostel for Deaf and Blind at Karimnagar and that upon bifurcation of the said institution in the year 1995, he was working as part time worker in the residential school for Visually Handicapped at Karimnagar. It is claimed by the writ petitioner that his monthly wages were revised from time to time and that when he had submitted a representation to the District Collector seeking enhancement of his monthly wages from Rs.400/- to Rs.1,200/-, the District Collector appears to have passed orders during May, 1997 and accordingly, he had been paid the wages for the months of April, May and June, 1997 and thereafter, they have reduced his pay back to Rs.400/- per month. Therefore, the present writ petition came to be instituted.

The Principal of the Government Residential School for Visually Handicapped, Karimnagar had filed the counter affidavit in the matter and it had been pointed out therein that the District Collector, Karimnagar had in fact passed orders enhancing the remuneration of

the writ petitioner from Rs.400/- to Rs.1,200/- and based thereon, the remuneration has been paid to the writ petitioner for the months of April, May and June, 1997. However, it has been pointed out that the State Government had not passed orders for enhancement of the monthly remuneration of part time employees and consequently, the writ petitioner could not be paid Rs.1,200/- as his wages.

In those set of circumstances, it is asserted that the District Collector had passed orders canceling the orders passed by him earlier enhancing the remuneration of the writ petitioner to Rs.1,200/-. The respondents have also pointed out that the State Government had considered the issue relating to the wages that are to be paid to the part time contingent employees and after considering the representations of the Service Associations with whom the Government seem to have reached an agreement, orders have been passed through their G.O.Ms.No.54, Finance and Planning Department dated 3.4.1998 wherein it has been announced that the part time contingent employees working in the Mandal Praja Parishad Schools will receive remuneration at the rate of Rs.625/- per month. Therefore, the respondents would assert that the writ petitioner is not entitled to be paid a monthly remuneration at the rate of Rs.1,200/- but only Rs.625/- per month.

There could not be any fixed formula for arriving at as to what should be the remuneration that is liable to be paid to the part time contingent employees. It is for the State to take all factors into consideration and account including the factor of inflation and the contemporary standards of living of the society and then take an appropriate decision as to the quantum of remuneration which is liable to be paid to contingent part time employees. I reckon the writ petitioner is only to be in part time employment with the respondents. For part time employment, one is not required to render eight hours of continuous service every day, and hence, he is entitled to be paid

reasonable wages taking into consideration the number of hours per day required of him to render service and the number of days in a month, he is so required to render such service. It is no doubt true that orders passed in G.O.Ms.No.54 would indicate that the State Government had taken into consideration all factors into account and also the views of the Service Associations on the subject and then arrived at the decision to pay Rs.625/- as the monthly remuneration for such part time contingent employees. If there is any further revision of the decision of the State Government subsequent to the orders passed by the Government in G.O.Ms.No.54 dated 3.4.1998, the same will also become available and attracted in the case of the writ petitioner. Since the writ petitioner is said to be continuously rendering services in the School which is established for the Visually Handicapped, through out the day, I hope and trust that the administration will pay attention to the nature of work which the writ petitioner is performing at the School and the nature of the assistance rendered by him for the inmates of this special School. Perhaps, the writ petitioner may be performing such functions which may be imminently required for the benefit of the Visually Handicapped inmates of the School and appropriate decision as to the quantum of remuneration payable to him should be taken keeping in view the fact that these kind of schools are entirely different from the rest of the schools normally run by the Mandal Praja Parishads. In these set of circumstances, I direct the fourth respondent – Director for the Welfare of Handicapped, Government of Andhra Pradesh to take appropriate steps and measures in this regard relating to all contingent employees working with various special educational institutions run and managed by the State Government across the State and fix up an appropriate quantum of remuneration payable to them taking into account the special features and circumstances and the nature of assistance rendered by

such contingent employees for the benefit of the welfare of the inmates of the institutions for the differently abled. A decision in this regard be taken within the next six months.

Since the writ petitioner has asserted that he is being paid Rs.1,200/- as his wages per month, I consider it appropriate that the same quantum of wages should be paid till such time the appropriate decision is taken by the Director for the Welfare of the Handicapped.

With this, the writ petition stands disposed of. No costs.

NOOTY RAMA MOHANA RAO.J.

18.4.2007

psr